

# ***City Council***

## ***Meeting Minutes***

**December 20, 2016  
City Hall, Council Chambers  
749 Main Street  
7:00 PM**

**Call to Order** – Mayor Muckle called the meeting to order at 7:00 p.m.

**Roll Call** was taken and the following members were present:

***City Council:***        ***Mayor Robert Muckle, Mayor Pro Tem Jeff Lipton,  
Councilmembers Jay Keany, Chris Leh, and Ashley  
Stolzmann***

***Absent:***                ***Susan Loo  
Dennis Maloney***

***Staff Present:***       ***Heather Balser, Deputy City Manager  
Kevin Watson, Finance Director  
Aaron DeJong, Director of Economic Development  
Kevin Watson, Director of Finance  
Rob Zuccaro, Director of Planning & Building Safety  
Lauren Trice, Planner II  
Meredyth Muth, City Clerk***

***Others Present:***    ***Sam Light, City Attorney***

### **PLEDGE OF ALLEGIANCE**

All rose for the pledge of allegiance.

### **APPROVAL OF AGENDA**

Mayor Muckle called for changes to the agenda and hearing none, moved to approve the agenda, seconded by Councilmember Keany. All were in favor. Absent: Councilmembers Loo and Maloney.

### **PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA**

Angie Layton, 619 W. Juniper Court, thanked Councilmember Stolzmann for her response to an email concerning snow removal on the McCaslin Boulevard sidewalks which weren't cleared well initially in the recent storm. She added the US 36 bike path has not been plowed well and needs to be addressed in future storms.

### **APPROVAL OF THE CONSENT AGENDA**

Councilmember Stolzmann requested 5I be moved to 8C1.

MOTION: Mayor Muckle moved to approve the consent agenda, seconded by Councilmember Stolzmann. All were in favor. Absent: Councilmembers Loo and Maloney.

- A. Approval of Minutes: December 6, 2016; December 12 & 13, 2016**
- B. Approval to Change January 10, 2017 Study Session to a Special Meeting Starting at 5:00 PM**
- C. Authorization of an Execution of Engagement Letter for Auditing Services with Eide Bailly, LLC**
- D. Authorization of Execution of Contract with CliftonLarsonAllen, LLP for Utility Billing Services**
- E. Approval of Non-Profit Grant Program – Finance Committee Recommendations for 2017 and 2018**
- F. Approval of 2017 City Attorney Fee Schedule**
- G. Approval of Resolution No.79, Series 2016 – A Resolution Approving a Final Planned Unit Development (PUD) to Allow for a 15,186 Square Foot Office, Manufacturing, and Warehouse Facility and Associated Site Improvements on Lot 1, Block 2, Colorado Technological Center, Filing No. 1**
- H. Approval of 2017 Louisville Revitalization Commission Budget**
- I. Approval of 2017 Legislative Agenda – **moved to regular****

### **COUNCIL INFORMATIONAL COMMENTS ON PERTINENT ITEMS NOT ON THE AGENDA**

Mayor Muckle thanked staff for recent snow removal efforts.

### **CITY MANAGER'S REPORT**

Deputy City Manager Balser wished everyone a happy holiday season and a good new year.

### **REGULAR BUSINESS**

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**701 GARFIELD AVENUE LANDMARK & PRESERVATION GRANT**

**RESOLUTION NO. 74, SERIES 2016 – A RESOLUTION DESIGNATING THE ROMEO HOUSE LOCATED AT 701 GARFIELD AVENUE A HISTORIC LANDMARK**

**RESOLUTION NO. 75, SERIES 2016 – A RESOLUTION APPROVING A PRESERVATION AND RESTORATION GRANT FOR WORK ON THE ROMEO HOUSE LOCATED AT 701 GARFIELD AVENUE**

Mayor Muckle called for a staff presentation.

Planner Trice stated this is a request for a landmarking and preservation grant. The house was constructed with stone from Marshall in 1909 by the Romeo family. It is one of the only stone structures in Historic Louisville and retains a great amount of architectural integrity.

The grant request is for \$20,000. The HPC has given approval of an alteration certificate.

Brian Harvey, the applicant noted he and his wife Betsy love this house and plan to move into it when the restoration is completed.

No Council or public comment was heard.

Mayor Muckle moved to approve Resolution No. 74, Series 2016, seconded by Councilmember Stolzmann. All in favor. Councilmembers Loo and Maloney absent.

Mayor Muckle moved to approve Resolution No. 75, Series 2016 seconded by Councilmember Stolzmann. Roll call vote 5-0. Councilmembers Loo and Maloney absent.

**CONTRACT TO EXCHANGE REAL ESTATE WITH 608 STUDIOS, LLC**

**ORDINANCE NO. 1729, SERIES 2016 – AN ORDINANCE AUTHORIZING THE CONVEYANCE OF A PARCEL OF LAND OWNED BY THE CITY OF LOUISVILLE IN EXCHANGE FOR THE CONVEYANCE TO THE CITY OF A PARCEL OF LAND OWNED BY 608 STUDIOS, LLC – 2<sup>nd</sup> READING – PUBLIC HEARING (advertised *Daily Camera* 12/11/16)**

**RESOLUTION NO. 73, SERIES 2016 – A RESOLUTION APPROVING A CONTRACT TO EXCHANGE REAL ESTATE BETWEEN THE CITY OF LOUISVILLE AND 608 STUDIOS, LLC FOR THE EXCHANGE OF PORTIONS OF PROPERTIES LOCATED AT 608, 612, AND 624 MAIN STREET – *CONTINUED FROM 12/06/16***

Attorney Light introduced the ordinance and resolution. Mayor Muckle opened the public hearing and called for a staff presentation.

Economic Development Director DeJong stated this is a contract to exchange property with 608 Main Street. He noted changes since first reading. The goal is to create additional parking in downtown. He reviewed the various parking the City has created lately.

The Blue Parrot parking lot is an inefficient use of the property with its current layout due to its short width. An addition of land to the south would allow an additional 10-15 spaces in the immediate term and it creates opportunity for a future parking structure in this area. It is in a good location and could be built without tearing down any building and it would be hidden from street view.

This would be a contract to exchange property; the westerly 45 feet of the City's recently acquired Blue Parrot parking lot and 608 Studios would transfer the easterly 105 feet of their lot. The City would get 753 square feet more than they previously had.

The exchange is contingent on PUD approval within one year for a new building on the site. The City will credit \$35,000 for future permit fees or construction use taxes as compensation for the City receiving the extra 753 square feet. Each party will provide the land being exchanged without liens or leases. The parking improvement fee for the proposed new building will be at the current rate, but not to exceed \$5000. Provisions for access, utilities, and other services will be mutually established within the PUD process.

Director DeJong reviewed pros and cons of the property exchange.

Pros:

- Needed office space would be created
- Creation of a better building along Main Street with additional retail space with the reorientation on Main Street.
- Better meets the goals of the Downtown Design Guidelines.
- Moves parking entrance off of Main Street and accessed from alley and screens parking lot from the street.
- Encourage ground floor pedestrian activity.
- Maintain storefront sidewalk edge.
- Yields additional parking and possible parking structure later

Cons:

- Need funds for parking structure and more study on creation of a structure.
- May add design complications
- City relinquishes the Main Street portion of the parking lot

Fiscal impact

- No funds would change hands for the property transfer
- \$35,000 fee credit to account for City's increased square footage
- General Fund or Parking Fund monies will likely need to pay for credited fees

Staff recommends approval.

Eric Fowles, 608 Main Studios, presented their plans for the property. He stated it is a good opportunity for both the City and their company. He gave some history of his family and company located in Louisville. His company, Voltage, has grown significantly in the past nine years and they are looking to create a new building to house their company and to benefit Main Street. They really want to keep their jobs and company in Louisville.

Mayor Muckle called for public comments.

Laura Steele, Director of Operations at Voltage, noted this is a great project that will benefit the community.

Angie Layton, 619 Juniper Court, stated her support for the project to keep a great company in Louisville.

Council comments:

Mayor Pro Tem Lipton asked what happens if the PUD is not approved in 12 months. Director DeJong stated it would then require an amendment or the contract would expire. Mayor Pro Tem Lipton asked how that affects the parking cap fee. Director DeJong stated the price can be locked in when the PUD is submitted or complete and then the fee will be due at issuance of the permit. Without both of those the contract would expire.

Mayor Pro Tem Lipton asked how the \$35,000 credit was calculated. Director DeJong stated it was a negotiated number based on the 753 sf more the City is getting in the exchange, \$46.48 per square foot. It was negotiated without an appraisal. Mayor Pro Tem Lipton would prefer the fee reimbursement come from the General Fund, not the Parking Fund.

Councilmember Stolzmann stated her concern with the issue of equity. She doesn't think the negotiated fees are equitable and the City will be losing value in the property. She added the parking fee in lieu should not be locked in for the new development; it undermines the conversation of what parking costs downtown. It should not be in the contract. We don't have funding currently to pave this lot. The number of spaces gained will be reduced by covering the parking for the building. There has not been enough study to know if this is a good idea. She does not support the land exchange.

Mayor Pro Tem Lipton stated he is uncomfortable about the value of the land exchange and the parking fee is too low at \$5000. He is also uncomfortable about how the \$35,000 fee will be paid; it should come from the General Fund.

Councilmember Keany noted the fee could be paid from the General Fund. He stated it is not fair to make changes tonight in the meeting as this is a negotiated number and both sides should get time to renegotiate. He sees value in the exchange as presented as we need the area for a parking structure; he supports this exchange.

Mayor Muckle stated he shares some concerns about this, but he supports it as presented for its long-term benefit to downtown. He felt perhaps additional negotiations are needed.

Councilmember Leh wanted to see the City's options for a parking structure to remain alive, but sees the concerns in the valuation. He would like to see further negotiations before approval.

#### Public Comments

Michael Menaker, 1827 West Chokecherry, stated his support for the proposal; it creates a viable footprint for a parking garage which the City needs. The City didn't purchase the property when it was available and now the City is asking a favor of the land owner to go with this proposal. The City needs to make it worth it to them. He urged approval tonight.

Eric Fowles, noted he and his wife want to make this work, but time is of the essence. He can't wait and negotiate for long as it increases their costs.

Councilmember Keany moved to continue Ordinance No. 1729 public hearing and Resolution No. 73, Series 2016 to January 3, 2017. Mayor Pro Tem Lipton seconded the motion. Councilmember Leh offered a friendly amendment to direct staff to continue negotiations. Councilmember Keany asked the Mayor and Mayor Pro Tem to be included in the negotiations to help bring this to conclusion. All in favor.

The public hearing will stay open and be continued to January 3, 2017.

**RESOLUTION NO. 76, SERIES 2016 – A RESOLUTION APPROVING A SPECIAL REVIEW USE (SRU) TO ALLOW FOR AN APPROXIMATELY 720 SQUARE-FOOT OUTDOOR PATIO SEATING AREA ASSOCIATED WITH THE PROPOSED CRYSTAL SPRINGS BREWING COMPANY TAPROOM AT 600 MAIN STREET (LOT 7, BLOCK 4, LOUISVILLE OLD TOWN)**

Planning and Building Safety Director Zuccaro stated this is a request for a Special Review Use to allow outdoor patio space to go with a renovated garage space at 600

Main Street that will be a satellite taproom for Crystal Springs Brewery. This is in the transition zone and is subject to the Downtown Design Guidelines. The code allows the taproom as a use by right so the Special Review Use is just for the outdoor seating. There is landscaping proposed to buffer the patio space from the surrounding area. Because of the close proximity to residences, staff is recommending two conditions: 1) no amplified outdoor music be allowed and 2) hours limited to 8 am to midnight.

Planning Commission recommends approval and staff recommends approval with two conditions.

Director Zuccaro noted the applicant was present. The applicant did not have any comments. Councilmember Keany asked if the applicant was aware of the sewer and tap fees required for this taproom. The answer was they were aware.

Public Comment – None

Councilmember Keany asked if the no amplified music would include no outdoor sound of any kind or just certain types of music. He wondered if it would include speakers broadcasting sound playing inside the building. Director Zuccaro stated it would preclude any amplified sound on the patio. He noted the Special Review Use process is to mitigate impacts on the neighbors in close proximity. The applicant is willing to accept the condition. The prohibition would include speakers and a live band.

Council members discussed noise concerns and how a new noise ordinance might impact this site.

Councilmember Stolzmann found that the proposal met the criteria for Special Review. Councilmember Keany concurred.

Mayor Muckle moved to approve Resolution No. 76, Series 2016. Councilmember Leh seconded. All in favor. Councilmembers Loo and Maloney absent.

## **APPROVAL OF 2017 REVITALIZATION COMMISSION BUDGET**

***moved from consent agenda***

Councilmember Stolzmann stated her concern the Louisville Revitalization Commission (LRC) is taking on a parking structure study that the Council chose not to fund in 2017 in the capital budget. If the Council is not interested in this then the LRC is wasting its money and will be doing the study without any Council commitment to follow through on it.

Councilmember Leh stated he supports the LRC doing a parking study; it is useful to the City.

Mayor Pro Tem Lipton asked what the scope of the study would be. Director DeJong stated it would be a parking structure feasibility study covering; how a structure could be funded, operated, and maintained and what it would take to accomplish.

Councilmember Leh stated he supports this item.

Mayor Pro Tem Lipton asked who is driving this project, the LRC or the City and inquired how much public input there will be. Director DeJong stated there would be a public process. Mayor Pro Tem Lipton stated his concern is the City is losing control of the process by letting the LRC do the study; although he understands the study will be needed at some point, but it is not a priority for the Council right now. He noted the City created the LRC to be creative and do things like this so there is a balance here.

#### Public Comment

Michael Menaker, 1827 Chokecherry Drive, as a member of the LRC noted the Council did not have funding for this study in 2017, so the LRC is willing to pay for it. The LRC thinks this supports the downtown and it will be funded by the LRC to bring this to the Council for discussion. The LRC has the resources and desire to do this and work with the City, property owners, other agencies, etc. to get the study done. This is an investment in downtown and without some structured parking, downtown reinvestment will end. The study will bring the Council a list of options the Council can consider.

Councilmember Keany stated he has heard from various sources a parking structure could be completed with a public-private partnership. The Council should not tie the hands of the LRC to bring the City some ideas.

Councilmember Stolzmann is concerned about proper use of the citizen's money and the Council has a duty to not waste money.

Mayor Pro Tem Lipton stated there is interest in a parking structure in downtown; his concern is the LRC, once the report is complete, will want a parking structure immediately regardless of Council's priorities. The final project will be done at the discretion of the City Council.

Mayor Muckle stated his support for the study; the City can use the information to make a better choice for downtown.

#### Motion

Mayor Muckle moved approval of the 2017 Revitalization Commission Budget, Councilmember Keany seconded. Voice vote 4-1 Councilmember Stolzmann voted no. Councilmembers Loo and Maloney absent.

**RESOLUTION NO. 77, SERIES 2016 – A RESOLUTION AMENDING THE 2016 BUDGET BY AMENDING APPROPRIATIONS IN THE GENERAL FUND, PARKING**



**IMPROVEMENT FUND, AND GOLF COURSE FUND AND ADJUSTING BUDGETED  
REVENUE IN THE PARKING IMPROVEMENT FUND, WASTEWATER UTILITY  
FUND, AND THE GOLF COURSE FUND – PUBLIC HEARING (ADVERTISED DAILY  
CAMERA 12/16/16)**

Mayor Muckle opened the public hearing and called for a staff presentation.

Finance Director Watson stated this is a budget amendment to the 2016 Operating and Capital Budget to use General Fund reserves to pay off the interfund loans from the Wastewater Utility Fund to the Golf Course Fund; and use General Fund reserves to purchase the Blue Parrot parking lot property.

The amendment sets up three interfund transfers. The net effect of the proposed amendments will be to reduce the General Fund reserves by \$1,850,000, increase the Wastewater Utility Fund reserves by \$925,000, and increase the Golf Course Fund reserves by \$225,000. There is no net effect on the Parking Improvement Fund.

These amendments were incorporated into the 2016 revenue and expenditure estimates that were presented at the end of the 2017-2018 biennial budget process.

The proposed amendment has been reviewed and approved by the Finance Committee.

Mayor Muckle called for public comment and hearing none, closed the public hearing.

**Motion**

Councilmember Stolzmann moved to approve Resolution No. 77, Series 2016.  
Seconded by Councilmember Keany. Roll call vote 5-0. Councilmembers Maloney and Loo absent.

**2017 BOARD AND COMMISSION APPOINTMENTS**

Mayor Muckle noted the Council conducted interviews last week for various boards and commissions; he noted the surfeit of talent and applicants the City has.

He proposed the following slate of appointments:

Board of Adjustment – Jim Stuart, Debra Williams, Rob Levinson (associate)  
Building Code Board of Appeals – Ed Novik  
Cultural Council – Sean Moynihan, Erin Macdonald, Adam Sloat, Angie Layton  
Historic Preservation Commission – Chuck Thomas, Lynda Haley, Caleb Dickinson  
Historical Commission – Nancy Allen, Jonathan Ferris, David Hooley, Keith Keller,  
Joseph Teasdale  
Library Board of Trustees – Renee Guganus, Conor Seyle

Local Licensing Authority – John Carlson, Marguerite Lipton, Matt Machado  
Open Space Advisory Board – Laura Scott Denton, Mike Schantz, Fiona Garvin, Jim Gibb (alternate)  
Parks & Public Landscaping Advisory Board – Shelly Alm, Mark Newland, Diana Gutowski  
Planning Commission – Monica Sheets  
Revitalization Commission – Rob Lathrop, Jochen Manning Lebek  
Mayor Muckle noted the Golf Course Advisory Board had no appointments while the Council considers other options or changes for that board and the need for completion of the strategic plan.

Mayor Pro Tem Lipton recused himself on the vote due to his spouse being reappointed to the Local Licensing Authority.

Mayor Muckle moved to approve the appointments as presented, Councilmember Keany seconded. 4-0. Mayor Pro Tem Lipton abstained. Councilmembers Maloney and Loo absent.

**NORTH END MARKET – GENERAL DEVELOPMENT PLAN AMENDMENT AND FINAL PLAT AND PLANNED UNIT DEVELOPMENT**

**ORDINANCE NO. 1730, SERIES 2016, AN ORDINANCE APPROVING AN AMENDMENT TO THE NORTH END GENERAL DEVELOPMENT PLAN (GDP) TO TRANSFER 17 RESIDENTIAL UNITS FROM PLANNING AREA 4 TO PLANNING AREA 1 AND REDUCE THE COMMERCIAL SPACE TO 40,000 SQUARE FEET IN PLANNING AREA 1 – 1<sup>st</sup> READING – SET PUBLIC HEARING 01/03/17**

**RESOLUTION NO. 78, SERIES 2016 – A RESOLUTION APPROVING A FINAL PLAT AND FINAL PLANNED UNIT DEVELOPMENT (PUD) TO CONSTRUCT A MULTI-USE DEVELOPMENT CONSISTING OF 38 DWELLING UNITS AND 40,000 SQUARE FEET OF COMMERCIAL SPACE; BLOCK 11, NORTH END PHASE TWO –  
*CONTINUE TO 01/03/17***

City Attorney Light introduced Ordinance No. 1730, Series 2016.

Mayor Muckle moved to approve Ordinance No. 1730, Series 2016 on first reading, send it out for publishing and set the public hearing for January 3, 2017. Councilmember Keany seconded. All in favor. Councilmembers Maloney and Loo absent.

Council Members continued Resolution No. 78 to the January 3, 2017.

**CITY ATTORNEY'S REPORT**

Attorney Light thanked the Council and Legal Review Committee for approval for the City Attorney 2017 fees.

**COUNCIL COMMENTS, COMMITTEE REPORTS, AND IDENTIFICATION OF  
FUTURE AGENDA ITEMS**

None.

**ADJOURN**

Members adjourned the meeting at 8:57 p.m.

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Robert P. Muckle, Mayor

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Meredyth Muth, City Clerk